

1 KEKER & VAN NEST LLP  
ROBERT A. VAN NEST - # 84065  
2 BRIAN L. FERRALL - # 160847  
DAVID SILBERT - # 173128  
3 MICHAEL S. KWUN - #198945  
ASHOK RAMANI - # 200020  
4 633 Battery Street  
San Francisco, CA 94111-1809  
5 Telephone: (415) 391-5400  
Email: rvannest@kvn.com;  
6 bferrall@kvn.com; dsilbert@kvn.com;  
mkwun@kvn.com, aramani@kvn.com

SUSAN CREIGHTON, SBN 135528  
SCOTT A. SHER, SBN 190053  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
1700 K Street NW, Fifth Floor  
Washington, D.C., 20006-3817  
Telephone: (202) 973-8800  
Email: screighton@wsgr.com;  
ssher@wsgr.com

7  
8 JONATHAN M. JACOBSON, NY SBN 1350495  
CHUL PAK (*pro hac vice*)  
DAVID H. REICHENBERG (*pro hac vice*)  
9 WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
10 1301 Avenue Of The Americas, 40th Floor  
New York, NY 10019-6022  
11 Telephone: (212) 999-5800  
Email: jjacobson@wsgr.com; cpak@wsgr.com;  
12 dreichenberg@wsgr.com

13 Attorneys for Defendant ARISTA NETWORKS, INC.

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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION

18 CISCO SYSTEMS, INC.,

19 Plaintiff,

20 v.

21 ARISTA NETWORKS, INC.,

22 Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**DECLARATION OF EDUARDO E.  
SANTACANA IN SUPPORT OF  
DEFENDANT ARISTA NETWORKS,  
INC.'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Date: August 4, 2016  
Time: 9:00 a.m.  
Dept.: Courtroom 3 - 5th Floor  
Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 I, Eduardo E. Santacana, declare:

2 1. I am an attorney licensed to practice law in the State of California and am an  
3 associate with the law firm of Keker & Van Nest LLP, located at 633 Battery Street,  
4 San Francisco, California 94111, counsel for Defendant Arista Networks, Inc. (“Arista”) in the  
5 above-referenced action. Unless otherwise stated, the facts I set forth in this declaration are based  
6 on my personal knowledge or knowledge I obtained through my review of corporate records or  
7 other investigation. If called to testify as a witness, I could and would testify competently to such  
8 facts under oath.

9 2. I submit this declaration in support of Arista’s Motion for Summary Judgment.

10 3. Arista has deposed eight alleged authors of CLI commands—Ram Kavasseri,  
11 Anthony Li, Tong Liu, Kirk Loughed, Devadas Patil, Phillip Remaker, Abhay Roy, and Greg  
12 Satz. According to Cisco’s Eighth Supplemental Exhibit F in Response to Arista’s Interrogatory  
13 16 (see Ex. 4, above), Cisco believes those individuals authored a total of 105 asserted CLI  
14 commands.

15 4. Attached hereto as Exhibit 1 are true and correct copies of Excerpts of the Rebuttal  
16 Expert Report of Judith A. Chevalier, served June 17, 2016.

17 5. Attached hereto as Exhibit 2 are true and correct copies of Excerpts of the Opening  
18 Expert Report of Kevin Almeroth Regarding Copying, Submitted on Behalf of Cisco Systems,  
19 served June 3, 2016.

20 6. Attached hereto as Exhibit 3 is a true and correct copy of Cisco’s Supplemental  
21 Responses to Defendants Arista Networks, Interrogatory No. 2, dated May 27, 2016.

22 7. Attached hereto as Exhibit 4 are true and correct copies of excerpts of Exhibit F to  
23 Cisco’s Fifth Supplemental Response to Interrogatory No. 2, dated January 8th, 2016.

24 8. Exhibit 5 was intentionally omitted.

25 9. Attached hereto as Exhibit 6 is a true and correct copy of Article, “Protecting  
26 Innovation”, written by Mark Chandler, dated December 4, 2014 (Depo. Exhibit 1012).

27 10. Attached hereto as Exhibit 7 are true and correct copies of Excerpts of the Rebuttal  
28 Expert Report of Kevin Almeroth Submitted on Behalf of Cisco Systems, served June 17, 2016.

1           11. Attached hereto as Exhibit 8 is a true and correct copy of Amended Exhibit D26 to  
2 Cisco's Response to Arista's Interrogatory No. 16, dated October 14, 2015.

3           12. Attached hereto as Exhibit 9 is a true and correct copy of Exhibit 4 to the Opening  
4 Expert Report of Kevin Almeroth regarding Copying Submitted on Behalf of Cisco Systems,  
5 served June 3, 2016.

6           13. Attached hereto as Exhibit 10 are true and correct copies of Excerpts of the  
7 Deposition Transcript of Kirk Lougheed, taken April 4, 2016 (Volume 2).

8           14. Attached hereto as Exhibit 11 are true and correct copies of Excerpts of the  
9 Deposition Transcript of Kirk Lougheed, taken November 20, 2015 (Volume 1).

10           15. Attached hereto as Exhibit 12 is a true and correct copy of Cisco's Preliminary  
11 Response before the U.S. Patent and Trademark Office, Case IPR2016-00119, filed February 18,  
12 2016.

13           16. Attached hereto as Exhibit 13 are true and correct copies of Excerpts of the  
14 Deposition Transcript of Kevin Jeffay, Ph.D., taken June 21, 2016.

15           17. Attached hereto as Exhibit 14 is a true and correct copy of U.S. Patent 7,047,526,  
16 Wheeler *et al*, dated May 16, 2006.

17           18. Attached hereto as Exhibit 15 is a true and correct copy of a chart I prepared  
18 listing the 198 commands that (1) were registered more than five years after first publication,  
19 according to Cisco's Eighth Supplemental Exhibit F in Response to Arista's Interrogatory 16 (see  
20 Ex. 4, above) and Cisco's copyright registrations filed with its Second Amended Complaint; and  
21 (2) whose alleged authors were never deposed.

22           19. Attached hereto as Exhibit 16 are true and correct copies of Excerpts of the  
23 Deposition Transcript of Phillip Remaker, taken March 31, 2015 (Volume 2).

24           20. Attached hereto as Exhibit 17 is a true and correct copy of an email from Rajiv  
25 Raghunarayan re CLI for control plan security (rate limiting) feature, dated December 16, 2002  
26 (CSI-CLI-00777705-06).

27           21. Attached hereto as Exhibit 18 are true and correct copies of Excerpts of the  
28 Opening Expert Report of John R. Black Jr., served June 3, 2016.

22. Attached hereto as Exhibit 19 is a compilation of deposition transcript excerpts that each are true and correct copies of excerpts of the depositions of Ramanathan Kavasseri, taken February 23, 2016; Anthony Li, taken February 1, 2016; Tong Liu, taken January 15, 2016; Kirk Lougheed, taken November 20, 2015; Kirk Lougheed, taken April 4, 2016; Devadas Patil, taken February 21, 2016; Abhay Roy, taken December 18, 2015; and Greg Satz, taken March 23, 2016; including Exhibits 1374 and 1375 to the deposition of Kevin Jeffay.

23. Attached hereto as Exhibit 20 is a true and correct copy of Appendix K to the Opening Expert Report of John R. Black Jr., served June 3, 2016.

24. Attached hereto as Exhibit 21 are true and correct copies of Excerpts of the Hearing Transcript dated September 30, 2015 before Honorable Paul S. Grewal.

25. Attached hereto as Exhibit 22 are true and correct copies of Excerpts of the Rough Deposition Transcript of Kevin Almeroth, taken June 28, 2016.

26. Attached hereto as Exhibit 23 are true and correct copies of Excerpts of the Deposition Transcript of Anthony J. Li, taken February 1, 2016.

27. Attached hereto as Exhibit 24 are true and correct copies of Excerpts of the Deposition Transcript of Greg Satz, taken March 23, 2016.

28. Attached hereto as Exhibit 25 are true and correct copies of Excerpts of the Rebuttal Expert Report of Jeffrey S. Chase Ph.D. Regarding Non-Infringement of U.S. Patent No. 7,047, 526 and related matters, served June 17, 2016.

29. Attached hereto as Exhibit 26 are true and correct copies of Excerpts of the Opening Damages Expert Report of Kevin Jeffay, Ph.D. Regarding Non Infringement Alternatives, served June 24, 2016.

30. Attached hereto as Exhibit 27 is a true and correct copy of U.S. Patent 6,523,172, Martinez-Guerra et al., dated February 18, 2003 (ARISTANDCA00008869-8898).

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1           31. Attached hereto as Exhibit 28 is a true and correct copy of the U.S. Patent and  
2 Trademark Office's Decision re Patent 7,047,526 (Case IPR2016-00119), filed May 17, 2016.

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4           Executed June 30 2016, at San Francisco, California.

5           I declare under penalty of perjury under the laws of the United States of America that the  
6 foregoing is true and correct.

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11 EDUARDO E. SANTACANA  
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